IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.1309 **OF 2005**

Ambadas Saidu Shinde ...Appellant
Vs.
Swami Vivekanand Shikshan
Sanstha and others ...Respondents

Mr.S.S.Shah for the Appellant
Mr.P.D.Dalvi for the Respondents.

CORAM: A.S.OKA, J.
DATED: MARCH 21,2006.

P.C.:

1. Heard Shri Shah for the Appellant and Shri Dalvi for the Respondent No.1. Following substantial questions of law arise :

i) Whether the Appellate court committed an error by holding that the order of transfer passed against the Appellant is legal and valid even after recording a finding that the order of transfer was on the ground of misbehaviour and misconduct ?

ii) Whether the Appellate Court committed an error by upsetting the decree passed by the Trial court even after recording a finding that the order of transfer was punitive in nature ?

iii) Whether the Respondent No.1-Management had a power to pass order of transfer by way of punishment under Rule 41 of the Maharashtra Employees of Private Schools (Conditions of Service) Rule, 1981 ?

2. Second Appeal is admitted on the aforesaid questions of law. Printing is dispensed with. The Appellant is directed to file private paper book within a period of six months. If compliance is not made within stipulated period, the Appeal will stand dismissed for want of prosecution without reference to the Court.

Judge.